

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **VICE CHAIRMAN TOM FACEY**, on January 28, 2005
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Tom Facey, Vice Chairman (D)
Rep. Don Roberts, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Emelie Eaton (D)
Rep. Teresa K. Henry (D)
Rep. William J. Jones (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Ron Stoker (R)
Rep. Bill Warden (R)
Rep. Jonathan Windy Boy (D)

Members Excused: Rep. Arlene Becker, Chairman (D)
Rep. Gordon R. Hendrick (R)
Rep. Pat Wagman (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 327, 1/25/2005
HB 358, 1/25/2005
Executive Action: HB 183, Do Pass As Amended
HB 327, Do Pass As Amended

HEARING ON HB 327**Sponsor:** REP. GEORGE GROESBECK, HD 74, BUTTE**Opening Statement by Sponsor:**

REP. GEORGE GROESBECK opened the hearing on **HB 327**. This bill would appropriate funds to increase silicosis victims' benefits by \$50 a month for each individual receiving benefits. He gave the committee a report on the background of the Silicosis Act of 1937. Amendments were also handed out.

EXHIBIT(huh22a01)

EXHIBIT(huh22a02)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 5.4}

Proponents' Testimony:

Bob Pavlovich, representing himself, asked for the support of the committee. He said there are forty-four remaining recipients. Most of these people are quite elderly. He felt that these people needed the increase.

Opponents' Testimony: None

Informational Testimony:

Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry, informed the committee that his Division administers this program and would be available for any questions.

Questions from Committee Members and Responses:

REP. RON STOKER inquired if these people were also on social security with disabilities. **Mr. Keck** responded that he did not believe they have kept records of that information.

REP. DON ROBERTS asked if the numbers concerning the solvency of the program were the same as used by the Division, and if the program can sustain itself. **Mr. Keck** replied that the numbers are the same. The fiscal note for the increase was pro-rated with the assumption that a certain number would die over the next two years, at the same rate as in the past. Therefore, the \$27,000 fiscal note had taken that into account.

Closing by Sponsor:

The sponsor closed.

{Tape: 1; Side: A; Approx. Time Counter: 5.4 - 8.3}

HEARING ON HB 358

Sponsor: REP. CAROL JUNEAU, HD 16, BROWNING

Opening Statement by Sponsor:

REP. CAROL JUNEAU opened the hearing on **HB 358**. She explained that the bill would provide certification for problem gambling counselors by the Department of Labor and Industry. The bill would request the Department of Public Health and Human Services to develop a Pathological Gambling and Problem Gambling Prevention Program, as well as a statewide plan. She carried this bill for one of her constituents, Bill Upham, who works for the Blackfeet Drug and Alcohol Treatment Center. After looking at the fiscal note, she felt the bill had become more than what had been originally intended. Basically, she wanted Montana to recognize that gambling is an addiction. She had a report called "Developing Procedures for Certified Gambling Counselors in Montana" prepared by Jean Chasen Salvon. She gave the committee some information and recommendations from the report.

{Tape: 1; Side: A; Approx. Time Counter: 8.3 - 14.5}

Proponents' Testimony:

Bill Upham, Blackfeet Drug and Alcohol Treatment Center, has seen the problems of gambling on the reservation. He felt there was a need for treatment for the problem gambler. People on the reservation cannot pay for their drug and alcohol treatment; it is provided for them by the Indian Health Service (IHS) from Billings. He wanted to have this treatment for the problem gambler provided by IHS. He was told that in order to get this accomplished, it would have to be defined in a bill that stated gambling is a problem. He had attended a workshop in Billings and learned that problem gambling is a disease of the brain, just like alcohol and drugs. Gambling hurts the entire family in all respects. Mr. Upham started a Gambling Anonymous group in Browning in 1994. None of the Browning people came because they were in denial of their gambling addiction. Three did come from Cut Bank and were glad for the program because they usually had to go all the way to Helena. There is a need to get people to acknowledge they have a problem and then have places of treatment with certified counselors. He stated that he did not have anything against gambling or alcohol. The problem is in how

people use it and the effect it has on them. He felt those who have an addiction of any kind need help.

{Tape: 1; Side: A; Approx. Time Counter: 14.5 - 31}

Robert Alfred, representing himself, Great Falls, told the committee that he was a recovering gambler. He has been working with a group in Great Falls called, unofficially, "Casi-No." The emphasis is on the "No." He explained that, on a search on the Internet, he learned about Serotonin and Dopamine. He said that endorphin is released by the brain, and explained how this works in the body to create an addiction. He noted that with the increase of gambling in Montana, there has been an increase in associated problems. There are gamblers anonymous groups in Great Falls that meet at least six days a week. He charged the representatives that their responsibility as leaders in Montana is first and foremost to protect the health, safety and welfare of the citizens. Gambling is dramatically affecting the health, safety and welfare of many of Montana's citizens. Montana must recognize that gambling is a problem and an addiction. Some of the gambling money must be used to help those who are addicted and their families.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 10.5}

Opponents' Testimony:

Dr. Hugh Black, Montana Psychological Association, testified that he was not opposed to what had been said, but was not in favor of the bill or how it was written. He submitted his testimony which gave recommendations concerning the problems associated with gambling.

EXHIBIT(huh22a03)

{Tape: 1; Side: B; Approx. Time Counter: 10.5 - 15.9}

Mary McCue, Montana Chapter, National Association of Social Workers and Montana Clinical Mental Health Counselors, stated they are reluctant to oppose a bill by REP. JUNEAU, but they have problems with the bill, as written. The definition of pathological gambling presented a problem. Counselors who are already at the doctorate level would have to take additional training in order to treat problem gamblers. The other problem is, people who don't have that kind of background would only need 300 hours of gambling-related education in order to begin treating these disorders. She felt that if counselors and social workers don't have training and experience in treating gambling disorders, they shouldn't be treating those problems. She did not understand why Mr. Upham could not treat gambling disorders, since he is an addiction counselor at the Indian Health Service.

{Tape: 1; Side: B; Approx. Time Counter: 15.9 - 21.1}

Informational Testimony:

Jackie Jandt, Addictive and Mental Disorders Division, Department of Public Health and Human Services (DPHHS), stated there was not an appropriation tied to the bill. Since a reference was alluded to funding, without appropriation, DPHHS would not be able to fulfill the duties outlined in this bill.

Jeannie Worsech, Supervisor, Health Care Licensing Bureau, Department of Labor and Industry, offered to answer any questions.
{Tape: 1; Side: B; Approx. Time Counter: 21.1 - 22.6}

Questions from Committee Members and Responses:

REP. JONATHAN WINDY BOY wanted to know how this bill would help Mr. Upham. **Mr. Upham** did not understand. The question was re-referred to Ms. McCue. **Ms. McCue** asked why Mr. Upham was not able to work in the area of addiction.

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Tape: 1; Side: B; Approx. Time Counter: 22.6 - 24.6}

VICE-CHAIRMAN TOM FACEY rephrased the question for Mr. Upham, "What was the roadblock that would keep Mr. Upham from becoming a licensed gambling counselor?" **Mr. Upham** said there was no roadblock. He needed to learn the dynamics of each addiction to know how to treat it.

REP. STOKER had heard a bill the day before in Judiciary and he felt that it was to expand gambling on the reservations. The Governor was to be given the ability to negotiate contracts with the Indian tribes. Some opponents of that bill were from family relations groups. He wondered why Mr. Upham had not testified against that bill, and wanted to know his opinion about expanded gambling possibilities on Indian reservations. **Mr. Upham** said that he had nothing against gambling. If it affects lives adversely, then it is his concern.

{Tape: 1; Side: B; Approx. Time Counter: 24.6 - 31}

REP. DAVE MCALPIN invited Ms. Cyndi Reichenbach to speak to HB 358. **Ms. Reichenbach, Healthcare Licensing Bureau, Department of Labor**, wanted to make a point of clarification. She explained there is a difference in scope of practice for each one of these professions. The credential that Mr. Upham is describing, the licensed addiction counselor, includes the treatment of alcohol and drugs only. The scope of practice for mental health professionals and social workers include the criteria defined in "Diagnostic and Statistical Manual of Mental Disorders" (DSM-IV) of the American Psychiatric Association.

REP. TERESA HENRY asked how the bill will help with the problem that the sponsor had perceived. **REP. JUNEAU** replied that since the state does not recognize gambling as an addiction or problem, the IHS is unable to serve people at the Blackfeet Drug and Alcohol Treatment Center. They also cannot get funding from IHS to do so.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.8}

REP. HENRY inquired if there were places that problem gamblers could go for help. **REP. JUNEAU** had no answer and deferred to Ms. Fox. **Ms. Fox, Legislative Staffer**, explained that, currently, licensed social workers and professional counselors have this in their scope of practice. If they were employed under an IHS contract, perhaps IHS money could pay for that. If they are not in Browning, people could be sent to Cut Bank, Shelby or Great Falls. The problem is, there is no money to pay for licensed addiction counselors because they don't have this in their scope of practice. Unless it is in the IHS contract, they can't receive money for this counseling.

{Tape: 2; Side: A; Approx. Time Counter: 3.8 - 6.5}

REP. EMELIE EATON had received e-mails in opposition to the bill. These people say Montana already has licensed clinical professional counselors, licensed social workers, licensed clinical psychologists, and licensed addiction counselors. This boils down to a turf dispute between addiction specialists' interests and three mental health organizations. None of these people seem to be covered or financed by IHS. **Ms. Fox** stated that every IHS facility has a different contract. The Browning facility does not have anyone with this scope of practice; therefore, they cannot serve those people. The intent of the bill was to acknowledge the fact there were many other mental health professionals who would have had some training; therefore, the Department was given authority to coordinate the certification of either licensed addiction counselors or mental health professionals. Licensed addiction counselors are in a different category than mental health professionals who may have more advanced degrees. The studies suggested that Montana needed gambling-specific education.

{Tape: 2; Side: A; Approx. Time Counter: 6.5 - 10.6}

REP. STOKER invited Mr. Alfred to speak. **Mr. Alfred** suggested that according to his statistics, all addictive people are in denial, and often gamblers will develop other addictions. Some counselors will not help people if they can't pay for services. The issue is money, and the number of people affected by this problem is large.

{Tape: 2; Side: A; Approx. Time Counter: 10.6 - 14.7}

REP. TOM MCGILLVRAY felt there was a conflict. Gambling is being expanded and funding is being requested to help problem gamblers.

REP. JUNEAU stated that the bill in Judiciary was to allow the Governor to negotiate a contract with the tribes. She did not feel it was expanding gambling, per se. She felt that gambling was not just an Indian issue. The bill is about Mr. Upham, who wants the Blackfeet Alcohol and Drug Treatment Center to have the ability to treat problem gamblers. He also wants to negotiate his contract with IHS so they could help fund this treatment.

{Tape: 2; Side: A; Approx. Time Counter: 14.7 - 19.2}

REP. MIKE MILBURN inquired if the intent of the bill was for the state to provide certification for counselors who could treat problem gamblers. **REP. JUNEAU** replied that her first intention was to have Montana define gambling as an addiction. She felt that a department might need to be created. The large fiscal note was not her intention.

REP. MILBURN suggested that if Montana defined gambling as an addiction, would there then be a certification process for counselors. **Ms. Fox** stated that one only defines a term if it is to be used. She said, "There is no place to put gambling as an addiction because there was no purpose for that unless something was to be done about it." She noted that the Addictive and Mental Disorders Division does not deal with gambling. That was the reason for the large fiscal note. She tried to explain why she wrote the bill as such.

{Tape: 2; Side: A; Approx. Time Counter: 19.2 - 22.8}

REP. DAVE MCALPIN asked if, in her research, Ms. Fox saw where other states found funding for this treatment. **Ms. Fox** had not gone down that road.

REP. MCALPIN requested research to see if funding was projected to help problem gamblers when gambling first came into Montana.

VICE-CHAIRMAN FACEY offered to get that information.

REP. EATON questioned Ms. Fox's statement about not defining a word unless it is used, and asked if there was any treatment for problem gamblers. **Ms. Fox** explained that the scope of practice allowing licensed professional counselors and licensed social workers to include counseling for gambling addiction does not appear in statute. The board has authority to adopt these things and it may be in rules somewhere. There are professionals who are treating people addicted to gambling, regardless of the fact that gambling is not discussed in the treatment of addiction anywhere in statute.

{Tape: 2; Side: A; Approx. Time Counter: 22.8 - 25.1}

VICE-CHAIRMAN FACEY inquired about the fiscal note. **REP. JUNEAU** replied that she had not intended to have a large fiscal note. She was merely trying to help one of her constituents; but the state needs to address the problems associated with gambling.

VICE-CHAIRMAN FACEY read from the Assumptions: No. 4 of the fiscal note. He questioned the validity of the numbers. **REP. JUNEAU** agreed.

VICE-CHAIRMAN FACEY stated that the department should be more efficient and do what the bill tells them to do without requiring extra funding.

Closing by Sponsor:

REP. JUNEAU informed the committee that she thought there was a public policy statement when gambling was introduced into Montana. There is a problem in Montana with people who are addicted to gambling. She felt that Montana does have a responsibility in this issue.

{Tape: 2; Side: A; Approx. Time Counter: 25.1 - 31. CHAIRMAN BECKER returned to the committee.}

EXECUTIVE ACTION ON HB 183

Motion: **REP. CAFERRO** moved that HB 183 DO PASS.

Motion: **REP. WARDEN** moved that HB 183 BE AMENDED.
EXHIBIT(huh22a04)

Discussion:

VICE-CHAIRMAN FACEY pointed out there had been a typing error.

Vote: Motion carried 16-0 by voice vote. **REPS. WAGMAN, HENDRICK** and **STOKER** voted by proxy.

Motion: **REP. WARDEN** moved that HB 183 DO PASS AS AMENDED.

Discussion:

REP. CAFERRO asked about the type of waiver. **Ms. Fox** stated the waiver is a home and community based waiver which is a Section 1915 waiver.

REP. HENRY asked about the amendment that was requested by **REP. JONATHAN WINDY BOY**.

REP. WINDY BOY said that amendment could be added on the floor of the House.

Vote: Motion carried 16-0 by voice vote. **REPS. WAGMAN, HENDRICK AND STOKER** voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 7.8}

EXECUTIVE ACTION ON HB 327

Motion: **REP. NOONAN** moved that HB 327 DO PASS.

Motion: **REP. NOONAN** moved that HB 327 BE AMENDED (Exhibit 2).

Discussion:

Ms. Fox explained the reason for the amendment. Many of the statutes had not been cleaned up from 1983 or 1989. Apparently, statutory caps had been met by 2005. If the \$50 increase is approved, the statutes will now be consistent with the appropriation.

Vote: Motion carried unanimously by voice vote, 16-0. **REPS. WAGMAN, HENDRICK and STOKER** voted by proxy.

REP. STOKER returned to the committee.

Motion/Vote: **REP. NOONAN** moved that HB 327 DO PASS AS AMENDED. Motion carried unanimously by voice vote, 16-0. **REPS. WAGMAN AND HENDRICK** voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 7.8 - 13}

ADJOURNMENT

Adjournment: 4:55 P.M.

REP. ARLENE BECKER, Chairman

MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

EXHIBIT ([huh22aad0.TIF](#))